

# United States Senate

WASHINGTON, DC 20510-1904

February 25, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC, 20554

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Dear Chairman Wheeler:

I am writing to express my concern about the Commission's proposed "Multi-Market Study of Critical Information Needs" (CIN). While I am pleased that your office has chosen to temporarily suspend this study, I am deeply troubled that the Commission would even contemplate such actions in the first place.

As I understand it, under the CIN as originally proposed, FCC representatives would have interviewed journalists, anchors, and producers about the stories they choose to cover, and the manner in which those stories were reported. As FCC Commissioner Ajit Pai noted in a recent *Wall Street Journal* article, the FCC would have been engaged in questioning news station personnel about their "news philosophy," and about editorial discretion and decision-making. Given the fact that the FCC is also tasked with evaluating broadcast license applications, it is not a stretch to imagine that newsrooms would seek to choose and present stories in a manner that the Commission deems "appropriate."

I cannot recall a regulatory proposal more offensive to the principles of the First Amendment. A free press is central to American liberties, and allowing the executive branch to attempt to influence the news the public receives is chilling and completely unacceptable.

I recognize that your office has chosen to temporarily suspend the CIN and to revise the survey. I urge the Commission to abandon this approach altogether to ensure the Commission takes no steps to impede the First Amendment rights of news organizations or other Americans under any guise.

Sincerely,



Susan M. Collins  
United States Senator

cc: Mignon Clyburn, Commissioner  
cc: Jessica Rosenworcel, Commissioner  
cc: Ajit Pai, Commissioner  
cc: Michael O'Rielly, Commissioner





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

April 15, 2014

The Honorable Susan Collins  
United States Senate  
413 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letters expressing concerns regarding the FCC's Critical Information Needs (CIN) study. I understand your interest, and I want to be clear that I had my own concerns regarding the proposed Research Design when I first heard of the issue in December 2013 – within the first few weeks of my Chairmanship.

The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

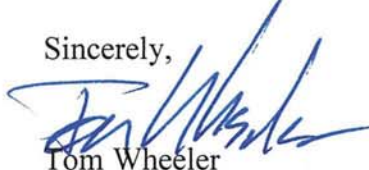
I agree with you, and others that had similar concerns, that the approach outlined in the "Qualitative Analysis" portion of the Research Design was not appropriate. As an initial first step, I asked Commission staff to eliminate – in its entirety – that portion of the study. Upon further reflection, I decided that the study should not go forward at all. This does not mean that the Commission is abandoning its obligations under Section 257, or our review of diversity issues as part of the remand from the Court of Appeals for the Third Circuit. I take these responsibilities seriously, and want to ensure we approach them in the proper manner by seeking public input on the best way forward, and addressing any concerns head-on.

I do want to take the opportunity to clear up some continued misconceptions surrounding this topic: (1) I made clear early on, and I reassert now, that I do not intend to re-establish the Fairness Doctrine, or to impose any government mandates in violation of the First Amendment; (2) Final expenditures are still being calculated, but there was never more than \$500,000 allocated for the first phase of the CIN study, which included the Research Design, the Pilot, and other activities related to the test market study which has since been terminated; and (3) The Commission has many priorities, including the duty to promote diversity in the communications market, and having reliable data on how the markets function and serve the public is essential to

our underlying responsibilities in the Communications Act – including our quadrennial review of media ownership rules.

I hope you find this information helpful. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish extending from the end.

Tom Wheeler